

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:10-HC-2013-BO

UNITED STATES OF AMERICA

v.

SEAN ROBERT FRANCIS

MOTION TO EXCLUDE
PRIVILEGED INFORMATION

SEAN ROBERT FRANCIS, the Respondent in the above-captioned case, by and through undersigned counsel, hereby respectfully moves this Honorable Court to exclude all records protected by the psychotherapist-patient privilege and any reference to the information contained therein. In support of this motion the Respondent shows the following:

1. On January 29, 2010, the Respondent, Sean Robert Francis, was certified as a sexually dangerous person by the Bureau of Prisons pursuant to 18 U.S.C. § 4248; and
2. A bench trial to determine whether he meets the criteria for being a sexually dangerous person under 18 U.S.C. § 4248 has been scheduled for October 5, 2011; and
3. The United States intends to present privileged mental health treatment records; and
4. The use of these privileged mental health records and any reference to the information contained therein violates the federal psychotherapist-patient

privilege; and

5. This privilege has not been waived by the Respondent; and
6. These privileged records and any reference to the information contained therein should be excluded.

WHEREFORE, for the foregoing reasons, the Respondent respectfully requests that his motion be granted and that this Court exclude all records protected by the psychotherapist-patient privilege and any reference to the information contained therein.

Respectfully requested this 23rd day of September, 2011.

THE EDMISTEN & WEBB LAW FIRM

/s/ *James Ryan Hawes*

JAMES RYAN HAWES

N.C. State Bar No. 36802

127 West Hargett Street

Suite 104 (27601)

Post Office Box 1509

Raleigh, North Carolina 27602

Telephone: (919) 831-8700

jim.hawes@ew-law.com

CERTIFICATE OF SERVICE

This is to certify that the undersigned attorney has served a copy of the foregoing ***Motion to Exclude Privileged Information*** via the CM/ECF System of the United States District Court for the Eastern District of North Carolina upon counsel and parties listed below properly addressed to:

G. Norman Acker
norman.acker@usdoj.gov
R.A. Renfer, Jr.
rudy.renfer@usdoj.gov
United States Attorneys Office
310 New Bern Avenue
Suite 800
Raleigh, NC 27601-1461

Michael D. Bredenberg
mbredenberg@bop.gov
Federal Medical Center
P.O. Box 1600
Butner, NC 27509

Michael E. Lockridge
mlockridge@bop.gov
Federal BOP, Legal Center
P.O. Box 1600
Butner, NC 27509

This the 23rd day of September, 2011.

THE EDMISTEN & WEBB LAW FIRM

/s/ James Ryan Hawes
JAMES RYAN HAWES
N.C. State Bar No. 36802
127 West Hargett Street
Suite 104 (27601)
Post Office Box 1509
Raleigh, North Carolina 27602
Telephone: (919) 831-8700
jim.hawes@ew-law.com